

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 27, 2004

DIVISION ONE

B170238 Los Angeles County, D.C.S. (Not for Publication)
B171213 v.
 Deborah G.,
 In re Jasmine R. et al., minors

The orders are affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B163181 City of El Segundo (Not for Publication)
 v.
 Stardust West Apartments et al.

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

July 27, 2004 (Continued)

DIVISION ONE (Continued)

[illegible]

The criminal street gang finding is reversed and the trial court is directed to adjust appellant's maximum term of confinement accordingly. With the finding's reversal, the gang offender registration requirement necessarily falls.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B164987 People (Not for Publication)
v.
Nora Andaya Bonnaudet

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B168275 Askia S. Ashanti (Not for Publication)
v.
Keith M. Bowman

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

July 27, 2004 (Continued)

DIVISION ONE (Continued)

B167721 Jose Gutierrez et al. (Not for Publication)
 v.
 Illinois Tool Works, Inc.

We reverse the summary judgment and remand for further proceedings.
Plaintiff is awarded costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B174977 Deirdre O. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Department of Children & Family Services, r.p.i.)

The petition is denied on the merits.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B175353 Evan M. and Marsha H. M. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Department of Children & Family Services, r.p.i.)

We deny Father's petition. We dismiss Mother's petition.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

July 27, 2004 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B175300 James A. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B169214 People (Not for Publication)
v.
Lee

The judgment (order granting probation) is reversed. On remand, defendant shall have the opportunity to withdraw her plea of no contest to count 5. If she elects to do so, counts 1 through 4 shall be reinstated. If she elects not to withdraw her plea, the judgment from which this appeal has been taken shall be reinstated.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

July 27, 2004 (Continued)

DIVISION ONE (Continued)

B164785 Chambliss (Not for Publication)
v.
Walker

The judgment is affirmed. Respondent Scoville Walker is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B166706 Nova Regency Corporation (Not for Publication)
v.
Von Beltz, et al.

The order is reversed. The trial court is directed to allow defendants the statutory time period in which to respond to the complaint. Plaintiff is to recover costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION TWO

B154139 People (Not for Publication)
v.
Olvera, Aguilar and Cadena

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B172193 People (Not for Publication)
v.
Copp

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B166538 People (Not for Publication)
v.
Jackson

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B167302 People v. Bolden (Not for Publication)

The judgment is modified to reduce Bolden's conviction from petty theft with a prior theft-related conviction (666) to misdemeanor theft (484). The matter is remanded for a determination of whether Bolden has suffered a prior theft-related offense, consistent with the opinions expressed herein, and for resentencing after resolution of that question. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B156997 People (Not for Publication)
v.
Aguilera

The sentence imposed by the trial court is vacated insofar as it is premised upon the assumption Aguilera suffered a prior conviction in case No. NA037937. The matter is remanded for a bench trial or further proceedings on the question of whether Aguilera suffered the prior conviction and for resentencing, consistent with the opinions expressed herein. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B166090 Dorothy O'Brien (Not for Publication)
v.
Ronald Merrian, as Executor, etc.

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B167497 People (Not for Publication)
v.
Wilson

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

July 27, 2004 (Continued)

DIVISION FOUR

B164584 People (Not for Publication)
v.
Santos et al.

The judgments are affirmed and the matter is remanded to the trial court with instructions to strike the gang related enhancement from the sentences and to issue a new abstract of judgment reflecting the correct sentence.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B174846 Keith M., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petitions of Mother, Father and Alexander are denied. Father's request for a stay is denied. The section 366.26 hearing shall proceed as scheduled by the juvenile court.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B166230 Franzen et al. (Not for Publication)
v.
Graham, Jr. et al.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

July 27, 2004 (Continued)

DIVISION FOUR (Continued)

B147598 People
 v.
 Ortiz et al.

Filed order denying petition for rehearing.

DIVISION SIX

B169269 Thompson (Poole) (Not for Publication)
 v.
 Thompson

The judgment is affirmed. Cynthia shall recover her costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

B164556 People (Not for Publication)
 v.
 Ski

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

July 27, 2004 (Continued)

DIVISION SIX (Continued)

(Certified for Publication)

B174364 James S. Egar, Santa Barbara County
Public Defender, on Behalf of Emily S. and Cameron V., etc.,
v.
Santa Barbara Superior Court

Let a peremptory writ mandate issue commanding respondent juvenile court to set aside its orders imposing court security fees as to both minors. The alternative writ, having served its purpose, is discharged.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B171669 Los Angeles County, D.C.S. (Not for Publication)
v.
Leslie H.,

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

Court convened at 9:00 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma J. Amos, Deputy Clerk

Each of the following:

B168408 People v. Smith
B169309 People v. Harris
B169848 People v. Diaz

DIVISION EIGHT (Continued)

Each of the following (Continued):

B170111 People v. Romero
B170916 DCFS v. Gabriel V.
B167417 People v. Orona & Meza
B165097 People v. Douglas
B166055 Berchenko v. Pattiz
B166370 People v. Jackson
B168304 People v. Rodriguez
B169047 People v. Kunkle
B171807 Simmonds v. Khiterer
B171332 DCFS v. Royal C. and Annette C.
B174720 Devette B. v. SCLA (DCFS)
B174838 Vanessa R. v. SCLA (DCFS)

Argument waived, cause submitted.

B170519 Lovejoy
 v.
 Pengree

Merits:

Argued by Robert P. Damone for appellant and by Kathryn Albarian for respondent. Cause submitted.

B168872 Zysensky
 v.
 Zysensky
 Estate of Lilian Gertrude Baynard

Merits:

Argued by Robert A. Miller for appellant and by Stephen M. Lowe for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B164171 Hobdy
 v.
 Hobdy

Merits:

Argued by Damon L. Hobdy for appellant and by Arthur L. Goldberg for respondent. Cause submitted.

B165962 Brown
 v.
 CSK Auto Inc.

Merits:

Argued by Walter H. Root for appellant and by John S. Battenfeld for respondent. Cause submitted.

B172587 Los Angeles County, D.C.S.
 v.
 Carmin S. and Steven B. et al.,
 In re Andrew L.

Merits:

Argued by John Dodd and Tyna Thall Orren for appellants and by Amir Pichvai and Merrill L. Toole for respondents. Cause submitted.

B169885 DBJJJ, Inc.
 v.
 National City Bank

Merits:

Argued by David L. Amkraut for appellant and by Richard B. Sheldon for respondent. Cause submitted.

Court recessed at 12:53 P.M.

DIVISION EIGHT (Continued)

Court reconvened at 1:33 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B168430 AC Realty Development et al.
 v.
 Corona et al.

Merits:
Argued by George Granby for appellants and no appearance by counsel for respondents. Cause submitted.

B166123 Harper
 v.
 24 Hour Fitness

Merits:
Argued by Ian Herzog for appellant and by Susan Allison for respondent. In open court both parties are permitted to file supplemental letter briefs within 5 days. Submission deferred until August 6, 2004.

B168323 Agjebo et al.
 v.
 DCFS

No appearance by counsel for appellants and respondent. In open court the matter was deferred for submission until August 6, 2004.

B163045 Rims et al.
 v.
 Porsche Cars North America, Inc.

Merits:
Argued by A Clifton Hodges and Timothy Owen for appellants and by Robert W. Beck for respondent. Cause submitted.

July 27, 2004 (Continued)

DIVISION EIGHT (Continued)

B169060 Farmers Insurance Exchange
 v.
 Dodd

Oral argument continued to July 28, 2004, at 9:00 a.m.

B175136 Wisden
 v.
 S.C.L.A.,
 Sims et al.

Oral argument continued to September 28, 2004, at 1:00 p.m.

B168828 Rack
 v.
 Rack

Matter ordered off calendar.

Court adjourned at 2:56 p.m.

B166525 Ewing et al. (Certified for Publication)
 v.
 Northridge Hospital Medical Center - Roscoe Boulevard Campus

The judgment is reversed. The Ewings are awarded their costs of appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

July 27, 2004 (Continued)

DIVISION EIGHT (Continued)

B173775 People v. Cosey (Not for Publication)

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B169834 People (Not for Publication)
v.
Alex T.

Accordingly, conditions of probation 15, 16 and 21 are modified to read: "15. Do not associate with anyone known to you to be disapproved of by your parents or probation officer"; "16. Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known to you to be unlawfully armed"; and "21. Do not use or possess narcotics, controlled substances, Poisons, or related paraphernalia; stay away from places where you know users congregate." As so modified, the order continuing appellant's wardship is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B164198 Bailey & Associates (Not for Publication)
v.
Quisenberry & Kabateck

The judgment of dismissal and order denying the motion to vacate are affirmed. Quisenberry is to receive its costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.